

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JESSE SLOAN

Plaintiff,

v.

Civ. No. \_\_\_\_\_

THE UNITED STATES DEPARTMENT  
OF HOMELAND SECURITY,  
and PATRICK F. WERICK,

Defendants.

**COMPLAINT FOR NEGLIGENCE**

COMES NOW the Plaintiff, Jesse Sloan, by and through his attorney of record, Paul M. Dominguez (DOMINGUEZ LAW FIRM, LLC), and for his causes of action, states as follows:

**NATURE OF THE ACTION**

1. This is a civil action brought by Plaintiff Jesse Sloan against The United States Department of Homeland Security and Patrick F. Werick pursuant to 28 U.S.C. § 2674 of the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346(b), 2671-80.

2. This action is brought based on a motor vehicle collision wherein Plaintiff incurred injuries and damages as the result of the negligence of the Defendants.

3. Plaintiff received a final denial of his claim on December 7, 2020, pursuant to 28 U.S.C. § 2401(b).

**PARTIES AND VENUE**

4. Plaintiff Jesse Sloan is a resident of the City of Albuquerque, County of Bernalillo, State of New Mexico at all times material to the allegations of this Complaint.

5. Based upon information and belief, Defendant Patrick F. Werick, is a resident of the City of Albuquerque, State of New Mexico at all times material to the allegations of this Complaint.

6. Defendant The United States Department of Homeland Security is the employer of Defendant Patrick F. Werick at all times material to the allegations of this Complaint.

7. All acts complained of herein occurred in the City of Albuquerque, County of Bernalillo, State of New Mexico.

### **PLAINTIFF'S STATEMENT OF FACTS**

8. Plaintiff incorporates by reference as fully set forth herein each and every allegation contained in the preceding paragraphs of this Complaint.

9. On October 16, 2018, Plaintiff, Jesse Sloan, was lawfully driving his passenger car heading southbound on University Blvd. SE., in Albuquerque, New Mexico.

10. Defendant Werick was also driving southbound on University Blvd. SE., and failed to pay attention to the roadway and crashed into the rear end of Plaintiff's vehicle when Plaintiff stopped at the red light at the intersection of University Blvd. and Car Rental Center, SE.

11. Defendant Werick's inattention caused a violent collision with Plaintiff's passenger car.

12. As a direct and proximate result of the collision caused by Defendant Werick, Plaintiff suffered substantial injuries and damages.

13. Upon information and belief, Defendant Werick was in the course and scope of his employment with the Department of Homeland Security at the time of the collision, making

the Defendant Department of Homeland Security (“DHS”) liable for damages incurred by Plaintiff pursuant to the doctrine of *respondeat superior*.

**FIRST CAUSE OF ACTION:  
NEGLIGENCE**

14. Plaintiff incorporates by reference as fully set forth herein each and every allegation contained in the preceding paragraphs of this Complaint.

15. The above-stated collision was caused by the recklessness, carelessness, and negligence of the Defendants, for that among other acts and omissions the Defendants:

- a. Failed to observe due care and precaution and to maintain proper and adequate control of the motor vehicle;
- b. Failed to keep a proper lookout for other vehicles lawfully upon the road;
- c. Failed to exercise reasonable care in the operation of the motor vehicle under the circumstances then and there existing; and
- d. In other respects not now known to the Plaintiff but which may become known prior to or at the time of trial.

16. As a direct and proximate result of the negligence, recklessness, and carelessness of the Defendants, the Plaintiff:

- a. suffered bodily injuries, physical pain and mental anguish, and emotional distress;
- b. was required to undergo medical treatment and to incur medical costs and expenses in order to alleviate injuries, pain and suffering; and
- c. otherwise was hurt, injured and caused to sustain property damages and related losses.

17. All injuries suffered by Plaintiff relating to this incident, including all past, present, and future injuries, were due to the negligence of Defendants, without any contributing negligence on the part of Plaintiff.

**SECOND CAUSE OF ACTION:  
RESPONDEAT SUPERIOR**

18. Plaintiff incorporates by reference as fully set forth herein each and every allegation contained in the preceding paragraphs of this Complaint.

19. At all times material, Defendant DHS employed and/or contracted Defendant Werick.

20. At all times material hereto, acting within the course and scope of his employment or agency by Defendant DHS, Defendant Werick failed to use ordinary care in the operation of his motor vehicle which directly and proximately caused Plaintiff to incur damages.

21. At all times material hereto, the aforementioned acts and omissions were committed by Defendant Werick employed by Defendant DHS, thereby making Defendant DHS vicariously liable pursuant to the doctrine of *respondeat superior*.

22. As a direct and proximate result of the negligent acts and omission by Defendant DHS, Plaintiff sustained damages. The total damages are all in the amount not presently determinable, but to be proven at the time of trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that this Court enter a final judgment in favor of the Plaintiff and against the Defendants in an amount to be proven at the time of trial for all of Plaintiff's damages, compensatory and other, including but not limited to medical expenses, lost earnings, pain and suffering, mental and emotional distress, property damage, for costs associates with bringing this cause of action, for reasonable attorney fees as allowed by law, and for such further relief as this Court deems just and proper.

Respectfully submitted,

DOMINGUEZ LAW FIRM, LLC

/s/ Paul M. Dominguez

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